

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED

NOV 12 2021

UNITED STATES OF AMERICA

v.

MICHAEL SMITH (01)

No. 4:21-MJ-745

CLERK U.S. DISTRICT COURT  
By: \_\_\_\_\_  
Deputy

**CRIMINAL COMPLAINT**

**Alleged Offense:**

I, Special Agent Derek Peters, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On, or about, November 2, 2021, in the Fort Worth Division of the Northern District of Texas, the defendant, **Michael Smith**, knowingly stole, unlawfully carried and took away from the store War Horse Weapons, the premises of a person who was then licensed to engage in the business of dealing in firearms as defined in 18 U.S.C. § 921(a)(11), the following firearms, which were part of the licensee's business inventory and which had been shipped, or transported, in interstate or foreign commerce: a Rossi, model 943, .38 special caliber revolver, bearing serial number D276349; a Sig Sauer, model P220, .45 auto caliber pistol, bearing serial number G419492; a CMMG Inc., model MK47K, 7.62x39 caliber pistol, bearing serial number BSJ03685; a Taurus Int., model G2S, 9-millimeter pistol, bearing serial number ACH124305; a Ruger, model 77/22, .22 caliber rifle, bearing serial number 720-34559; and a Palmetto State Armory, model PA15, Multi-Cal lower receiver, bearing serial number SCB118872, all in violation of 18 U.S.C. § 922(u) and § 924(i)(1).

**Probable Cause:**

1. I, Special Agent (SA) Derek Peters, Affiant, state that I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice. I have been so employed since February 2020, and I am currently assigned to the Fort Worth, Texas, Field Office. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC), located in Glynnco, Georgia, and Special Agent Basic Training at the ATF National Academy. The statements set forth in this affidavit are the product of my personal observations, training, and experience, as well as information obtained from other law enforcement officers and witnesses. The facts presented are true and correct to the best of my knowledge and belief but are not inclusive of all the evidence or information involved with this case.

2. In late October, Wise County Sheriff's Office (WCSO) received information from a tipster that a Federal Firearms Licensee (FFL) was going to be burglarized on October 31, 2021. The tipster identified **Michael Smith** as the would-be burglar. The tipster also advised that **Michael Smith** claimed to have burglarized a different FFL in Krum, TX a month prior (Top Dog Firearms). ATF Special Agent Lance Amos, lead investigator for the burglary of Top Dog Firearms, was contacted and confirmed that **Michael Smith** was a suspect in the burglary.

3. On November 2, 2021, WCSO deputies responded to a burglary at War Horse Weapons, a licensed FFL, located at 2812 US Highway 380, Decatur, Texas, 76234. When the business opened for the day, a manager entered the gun room of War Horse Weapons and realized that numerous firearms had been stolen. The manager noted several firearm boxes had their contents removed and were strewn throughout the gun room. The manager notified authorities, and WCSO responded to the incident.

4. At War Horse Weapons, WCSO and the business owner discovered a section of the building's tin siding had been peeled away from the business's exterior wall, near the rear portion of the business. WCSO and the business owner noted miscellaneous tools scattered throughout the area. The business owner advised that the tools did not belong to the business and were likely used by the culprit in order to force entry into the structure.

5. Inside the structure, WCSO Crime Scene Unit (CSU) located a tear in the insulation on the second floor of the structure, adjacent to the exterior tin siding anomaly. WCSO CSU collected numerous fingerprints from the second-floor area. The owner described this area as being used for storage and seldom frequented by employees, and never by general patrons. War Horse Weapons owner advised WCSO CSU that only immediate family, and one close family friend, worked at the store, and that none were suspected of being complicit in the offense.

6. WCSO CSU collected numerous fingerprints from the second-floor area, and from the discarded firearm boxes from which firearms were stolen. The fingerprints were submitted for analysis and positively matched **Michael Smith** upon their return. After this, WCSO applied for, and received, an arrest warrant for **Michael Smith** due to suspected involvement in the burglary of War Horse Weapons, theft of body armor, and possession of a firearm by a convicted felon.

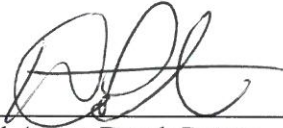
7. Later in the day, information was received indicating that **Michael Smith** was staying at the Fairfield Inn & Suites, located at 1910 W. U.S. Highway 380, Decatur, TX 76234, located approximately one (1) mile away from War Horse Weapons. Before law enforcement units could respond, **Michael Smith** was recorded on Fairfield Inn & Suites surveillance camera video abruptly departing the hotel lobby following a telephone conversation. **Michael Smith** departed the hotel on foot while carrying a large green backpack strung across his shoulders. A few moments later, **Michael Smith** returned to the Fairfield Inn & Suites carrying additional nylon duffle bags, and at least one set of body armor. Soon after returning with the nylon bags, a pickup truck, possibly a tan in color Dodge Ram, met **Michael Smith** at the Fairfield Inn & Suites, and **Michael Smith** departed in the vehicle with the baggage.



8. The firearms stolen from the FFL business inventory of War Horse Weapons were determined to include the following: a Rossi, model 943, .38 special caliber revolver, bearing serial number D276349; a Sig Sauer, model P220, .45 auto caliber pistol, bearing serial number G419492; a CMMG Inc., model MK47K, 7.62x39 caliber pistol, bearing serial number BSJ03685; a Taurus Int., model G2S, 9-millimeter pistol, bearing serial number ACH124305; a Ruger, model 77/22, .22 caliber rifle, bearing serial number 720-34559; and a Palmetto State Armory, model PA15, Multi-Cal lower receiver, bearing serial number SCB118872. On November 9, 2021, an ATF interstate nexus expert determined these firearms had been shipped or transported in interstate or foreign commerce prior to the theft of the firearms from War Horse Weapons.

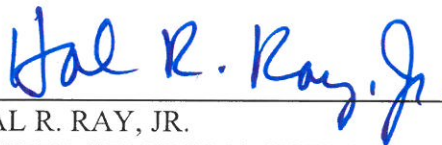
9. On November 10, 2021, a custodial interview was conducted with **Michael Smith** at the Hunt County Sheriff's Office (HCSO). **Michael Smith** was advised of his Miranda rights, and agreed to speak to law enforcement. During the interview, **Michael Smith** confessed to burglarizing War Horse Weapons and to taking various firearms, without permission, from War Horse Weapons, a company who is licensed to engage in the business of dealing in firearms.

Based upon the above facts and circumstances, I respectfully submit that there is probable cause to believe that **Michael Smith** did knowingly steal and unlawfully carry and take away firearms from War Horse Weapons, the premises of a person who is licensed to engage in the business of dealing in firearms, all in violation of 18 § 922(u) and § 924(i)(1).



Special Agent Derek Peters  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

SWORN AND SUBSCRIBED before me, November 12, 2021 at 10:28 a.m./p.m., in Fort Worth, Texas.



HAL R. RAY, JR.  
UNITED STATES MAGISTRATE JUDGE